

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL FOUST,

Plaintiff,

v.

CONSUMER ATTORNEY MARKETING
SERVICE,

Defendant.

Case No. 2:20-cv-02553-WBS-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

On March 4, 2021, I screened plaintiff's complaint, notified plaintiff that the complaint failed to state a claim, and granted him sixty days to file an amended complaint. ECF No. 14. Plaintiff subsequently filed a motion for appointment of counsel. ECF No. 18. On May 3, 2021, I denied that motion and granted plaintiff until May 24, 2021 to file an amended complaint. ECF No. 20. Plaintiff has since filed two letters, neither of which could reasonably be construed as an amended complaint.

To manage its docket effectively, the court imposes deadlines and requires litigants to meet those deadlines. When a plaintiff fails to comply with court-imposed deadlines, the court may dismiss the plaintiff's case for failure to prosecute. *See* Fed. R. Civ. P. 41; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances."). Involuntary dismissal is a harsh penalty, but the court has a

duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

I will give plaintiff an opportunity to explain why the court should not dismiss his case for failure to prosecute. Plaintiff's failure to respond to this order will constitute a failure to comply with a court order and will result in a recommendation that this case be dismissed.

Accordingly, it is hereby ORDERED that:

1. Plaintiff shall show cause within twenty-one days of the date of entry of this order why the court should not dismiss his case for failure to prosecute.

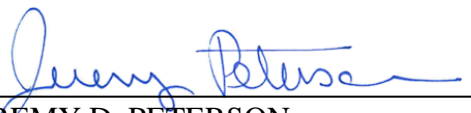
2. The clerk's office shall send plaintiff a complaint form.

3. Within twenty-one days of this order, plaintiff shall file an amended complaint on the form provided by the clerk's office.

4. Failure to comply with this order will result in a recommendation that this action be dismissed for failure to prosecute and failure to comply with court orders.

IT IS SO ORDERED.

Dated: July 21, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE